

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 15,533
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare counting her husband's income as available to the household in calculating the amount of the household's Food Stamps. The issue is whether the pertinent regulations require the income of all household members to be considered in calculating a family's eligibility for Food Stamps.

FINDINGS OF FACT

1. The petitioner was the subject of Fair Hearing No. 15,447, decided by the Board on June 5, 1998. In that case the Board affirmed the Department's decision requiring the inclusion of the petitioner's husband (he and the petitioner had been recently married) in the petitioner's ANFC assistance group and counting his income as available to the petitioner and her children (his stepchildren).

2. When the Department implemented the Board's decision in that case (the petitioner's benefits had not been reduced during the pendency of her appeal) it notified the petitioner that her ANFC would be decreasing due to the inclusion of her husband's income. It also notified the petitioner that her husband's income was being counted in

the computation of her Food Stamps. The petitioner appealed the decision as regarding her Food Stamps.

3. Again, the petitioner takes no issue with the facts and figures relied upon by the Department in its determination. Although she disagrees with the effect and rationale of the regulations in question, she could not dispute that the Department was applying those regulations correctly to her situation.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations require that "spouses" and all "natural, adopted or step-children" who are living together must be considered a single "household" in determining eligibility for Food Stamps. Food Stamp Manual (FSM) § 273.1(a). The regulations also require that the income of all household members that is not specifically excluded under the regulations must be counted in determining a household's eligibility. FSM § 273(b).

There is no dispute in this matter that the Department has correctly followed the procedures set forth in the above regulations in determining the Food Stamp eligibility of the petitioner's household. Therefore, the board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d)

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and Fair Hearing Rule No. 17.

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